

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

KOREY L. AARSTAD, et al.,

Plaintiffs,

vs.

BNSF RAILWAY COMPANY, a
Delaware corporation; JOHN SWING;
MARYLAND CASUALTY
COMPANY, a Maryland corporation;
ROBINSON INSULATION
COMPANY, a Montana corporation
for profit; and DOES A-Z,

Defendants.

CV 17-72-GF-BMM-JTJ

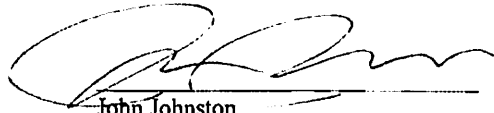
**FINDINGS AND
RECOMMENDATIONS**

Defendant Maryland Casualty Company (Maryland Casualty) has filed two motions requesting the Court to dismiss all of the claims against it on grounds that Plaintiffs' service of process was defective. The motions were referred to the undersigned for findings and recommendations under 28 U.S.C. § 636(b)(1)(B). The Court conducted a joint hearing on November 6, 2019, to hear oral argument on the motions, and to hear further oral argument on whether this case should be remanded to the Montana Eighth Judicial District Court under the local controversy exception to the Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1332(d)(11)(B).

The Court has determined that this case should be remanded to state court under the local controversy exception to CAFA. The Court has issued Findings and Recommendations explaining why this case fits within the local controversy exception. (Docs. 60, 112). Given the Court's determination that remand is appropriate,

IT IS HEREBY RECOMMENDED that Maryland Casualty's Motions to Dismiss (Docs. 86, 96) should be denied without prejudice as moot.

DATED this 21st day of January, 2020.



John Johnston
United States Magistrate Judge